

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

September 17, 2024
LAURA A. AUSTIN, CLERK
BY: s/A. Beeson
DEPUTY CLERK

KEITH EDWARD MOSS,)	
Petitioner,)	Civil Action No. 7:24cv000628
)	
v.)	
)	
CHADWICK S. DOTSON,)	By: Elizabeth K. Dillon
Respondent.)	Chief United States District Judge

MEMORANDUM OPINION AND ORDER

Keith Edward Moss, a Virginia inmate proceeding *pro se*, filed this action that was docketed as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Some of the allegations in this petition are identical to those in a separate habeas corpus action that is currently pending before another judge in this district. *See* Civil Action No. 7:24-cv-00071 (W.D. Va.) While the instant petition does not cite a specific case number from state court, it is apparent to the court that this action is a challenge to the same convictions that are at issue in Case No. 7:24-cv-00071. Both actions reference petitioner's arrest on February 13, 2021, and contend that "the arresting officer(s) erred in his duty to have the petitioner brought forthwith before a magistrate or other issuing authority in personal appearance or otherwise" (Habeas Pet. 11 of 14, Dkt. No. 1; Habeas Pet. Ground 1(a), 5–6 of 19, Dkt. No. 1 in Case No. 7:24-cv-00071.) Because these two cases are duplicative, the court will dismiss this action without prejudice.

It is HEREBY ORDERED that this matter is DISMISSED without prejudice. Finding that petitioner has not made a substantial showing of the deprivation of a constitutional right, 28

U.S.C. § 2253(c), the court DECLINES to issue a certificate of appealability.

The Clerk is directed to transmit a copy of this order to petitioner.

Entered: September 17, 2024.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
Chief United States District Judge